

E-Filed on 4/4/08

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com
John Hinderaker AZ State Bar No. 018024
Email: jhinderaker@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,¹

USA SECURITIES, LLC,²
Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING
FIRST OMNIBUS OBJECTION OF
USACM TRUST TO PROOFS OF
CLAIM BASED UPON
INVESTMENT IN THE I-40
GATEWAY WEST, LLC 2ND LOAN;
AND CERTIFICATE OF SERVICE**

Date of Hearing: May 8, 2008

Time of Hearing: 10:30 a.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR
CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE I-40
GATEWAY WEST, LLC 2nd LOAN BECAUSE THE USACM TRUST**

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

1 **CONTENDS THAT YOU HAVE BEEN PAID IN FULL FOR YOUR**
2 **INVESTMENT IN THAT LOAN. THIS OBJECTION WILL NOT IMPACT**
3 **YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN A**
4 **DIFFERENT LOAN.**

5 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
6 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS
7 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
8 **SHOULD BE DIRECTED TO BRANT FYLLING OF SIERRA CONSULTING**
9 **GROUP, LLC ((602) 424-7009) OR THE UNDERSIGNED COUNSEL.**

10 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust has filed its
11 First Omnibus Objection to Proofs of Claim Based Upon Investment in the I-40 Gateway
12 West, LLC 2nd Loan (the "Objection"). Your Proof of Claim number and other
13 information regarding your claim is provided in **Exhibit A**, attached. The USACM
14 Liquidating Trust has requested that this Court enter an order, pursuant to Bankruptcy
15 Code § 502 and Bankruptcy Rule 3007, disallowing your Proof of Claim to the extent it is
16 based upon an investment in the I-40 Gateway West, LLC 2nd Loan. The Objection will
17 not impact your Claim to the extent it is based upon an investment in a different loan.

18 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
19 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley
20 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on
21 **May 8, 2008, at the hour of 10:30 a.m.**

22 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON MAY 8,**
23 **2008, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**
24 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**
25 **HEARD ON THAT DATE.**
26

NOTICE IS FURTHER GIVEN that any response to the Objection must be filed by May 1, 2008 pursuant to Local Rule 3007(b), which states:

If an objection to a claim is opposed, a written response must be filed and served on the objecting party at least 5 business days before the scheduled hearing. A response is deemed sufficient if it states that written documentation in support of the proof of claim has already been provided to the objecting party and that the documentation will be provided at any evidentiary hearing or trial on the matter.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: April 4, 2008.

LEWIS AND ROCA LLP

By /s/ Rob Charles (#6593)

Susan M. Freeman, AZ 4199 (*pro hac vice*)

Rob Charles, NV 6593

John C. Hinderaker, AZ 18024 (*pro hac vice*)

3993 Howard Hughes Parkway, Suite 600

Las Vegas, Nevada 89169

Telephone: (702) 949-8320

Facsimile: (702) 949-8321

E-mail: rcharles@lrlaw.com

Attorneys for the USACM Liquidating Trust

Copy of the foregoing mailed by first class
postage prepaid U.S. Mail on
April 4, 2008 to:

Parties listed on Exhibit A attached.

s/Renee L. Creswell

Renee L. Creswell
Lewis and Roca LLP